

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 3:24-cr-00026

ANDREW NICHOLAS-SCOTT TITUS

MEMORANDUM OPINION and ORDER SEALING

At the request of his counsel, Defendant submitted to a forensic psychological evaluation on March 13, 2024 and a report was prepared by Dr. Clifton R. Hudson, which is filed contemporaneously with this Order and admitted into the evidence of record. The Court notes that Dr. Hudson's report contains Defendant's personal health information. Due to the confidential and protected nature of the information, the Court finds that sealing the report is necessary and directs the Clerk of Court to file the report **UNDER SEAL**.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Dr. Hudson's report shall be designated as sealed on the Court's docket. The Court deems this sufficient notice to

interested members of the public. The Court has considered less drastic alternatives to sealing the report, but in view of the highly confidential and protected nature of the information contained in the report, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Dr. Hudson's report does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant, counsel of record, the Probation Office, and the United States Marshals Service.

ENTERED: March 27, 2024



Cheryl A. Bifert
United States Magistrate Judge